

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

EVELYN A. JANKOUSKY,

*08 Civ. 1858 (PAC)*

Plaintiff,

-against-

**NOTICE OF CROSS-MOTION**

CAPITAL ONE, NA,

Defendant.

-----X

SIRS:

Please Take Notice that upon the annexed affidavits of Paul Santamaria, sworn to August 12, 2010, Thomas Pfundstein, sworn to August 12, 2010, and Joseph Roberto, sworn to August 13, 2010, the exhibits annexed thereto, the statement pursuant to Local Court Rule 56.1, the accompanying memorandum of law, and all of the prior proceedings had herein the undersigned moves this Court in accordance with briefing schedule set by the Court for an order pursuant to Federal Rules of Civil Practice 56 granting summary judgment in favor of defendant and against plaintiff dismissing the first, third, fifth, seventh, eighth, ninth, tenth and eleventh causes of action on the grounds that there are no genuine material issues of fact and that defendant is entitled to judgment as a matter of law together with such other and further relief as the Court deems just and proper.

Dated: Melville, New York  
August 16, 2010

Yours, etc.,  
WICKHAM, BRESSLER, GORDON & GEASA, P.C.

By: \_\_\_\_\_/s/  
Eric J. Bressler (EB3412)  
Attorneys for Defendant  
275 Broadhollow Road, Suite 111  
Melville, New York 11747  
631-249-9480

TO: Maia Goodel (MG 8905)  
Vladeck, Waldman, Elias & Engelhard, P.C.  
Attorneys for Plaintiff  
1501 Broadway, Suite 800  
New York, New York 10036  
212-403-7300